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GOVERNMENT GAZETTE

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GOVERNMENT OF GOA, DAMAN AND DIU

Notification

10/7(3)/62-Cus.

The Goa, Daman and Diu Scheduled Goods (Movement Control) Regulation, 1963 (No. 1 of 1963) dated 15th February 1963 promulgated by the President of India is hereby reproduced for the information of the general public.

C. T. A. Pillai, Customs Adviser.

Panjim, 22nd February, 1963.

The Goa, Daman and Diu Scheduled Goods (Movement Control) Regulation, 1963

No. 1 of 1963

Promulgated by the President in the Fourteenth
Year of the Republic of India

A Regulation to provide for the control of movement
of certain goods out of the Union territory of Goa,
Daman and Diu.

In exercise of the powers conferred by article 240
of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

Short title,
extent and
commence-
ment.

1. (1) This Regulation may be called
the Goa, Daman and Diu Scheduled Goods
(Movement Control) Regulation, 1963.

(2) It extends to the whole of the
Union territory of Goa, Daman and Diu.

(3) It shall come into force at once.

Definitions.

2. In this Regulation, unless the context
otherwise requires,—

(a) «Lieutenant-Governor» means
the Administrator of the Union territory
of Goa, Daman and Diu;

(b) «Official Gazette» means the
Goa, Daman and Diu Gazette;

(c) «prescribed» means prescribed
by rules made under this Regulation;

(d) «scheduled goods» means the
goods specified in the Schedule.

Control of
movement of
scheduled
goods out of
Goa, Daman
and Diu.

3. No person shall take or cause to be
taken any scheduled goods out of the
Union territory of Goa, Daman and Diu
to any place in any part of India:

Provided that where the circumstances
of any case so require, the Lieutenant-
Governor may allow any scheduled goods
to be taken out of the Union territory
under and in accordance with the terms
and conditions of a special permit to be
granted by him in that behalf.

Omission of
goods from
Schedule.

4. The Lieutenant-Governor may, by
notification in the Official Gazette, omit
any of the scheduled goods from the Sched-
ule and thereupon this Regulation shall
cease to apply in respect of the goods so
omitted except as respect things done or
omitted to be done under this Regulation
before the omission of such goods from
the Schedule.

Penalty.

5. (1) If any person contravenes the
provisions of section 3 or any of the terms
and conditions of the permit granted un-
der the proviso to that section, he shall be
punishable with fine which may extend
to one thousand rupees.

(2) Any goods in respect of which
such contravention has been committed
shall be liable to confiscation.

(3) Such confiscation may be ad-
judged—

(a) without limit, by the Director
of Customs Services;

(b) where the value of the goods
does not exceed one thousand rupees,
by any other officer authorised in this
behalf by the Lieutenant-Governor.

(4) Any person aggrieved by any such
adjudication of confiscation may, within
three months from the date of the commu-
nication to him of such adjudication, ap-
peal to the Lieutenant-Governor, and any
order passed thereon by the Lieutenant-
Governor shall be final and shall not be
called in question in any court.

(5) No prosecution for an offence under this Regulation shall be instituted except by, or with the written consent of, the Lieutenant-Governor or any person authorised in this behalf by the Lieutenant-Governor.

Power to make rules.

6. (1) The Lieutenant-Governor may, by notification in the Official Gazette, make rules to carry out the purposes of this Regulation.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the search of any person or any place (including any conveyance) for the purpose of finding out whether any scheduled goods are in the possession of such person or being kept in such place or conveyance with a view to their being taken out of Goa, Daman and Diu;

(b) the seizure of any goods found upon such search or in respect of which there is reason to suspect that any contravention of this Regulation has been, or is being, or is about to be committed, along with the package, covering or receptacle, if any, in which such scheduled goods are found;

(c) the officer or authority by whom such search or seizure may be made;

(d) the levy of fees on applications for permits and on memoranda of appeals under this Regulation;

(e) any other matter which has to be prescribed or in respect of which the Lieutenant-Governor deems it necessary to make rules under this Regulation.

Delegation of powers.

7. The Lieutenant-Governor may, by notification in the Official Gazette, direct that any powers exercisable under this Regulation or any rule made thereunder (other than the powers conferred on the Lieutenant-Governor by section 4, section 6 and this section) shall, in such circumstances and under such conditions as may be specified in the notification, be exercisable also by any person specified in the notification.

THE SCHEDULE

[See section 2(d)]

- 1. Ball-point pens over Rs. 25/- each.
- 2. Butter.
- 3. Cameras.
- 4. Camphor.
- 5. Cheese.
- 6. Celluloid and gelatine material.
- 7. Cotton textiles of the following varieties:

Twill and Sateen Italians, Super Mulls, Umbrella cloth, Fine Lawns and Muslins, Organdies, Poplins, Bretonne nets, Voiles, Lappets, Satin drills and jeans, Cambrics, Corduroys, Linbrics and fashion prints, i. e., prints with permanent synthetic resin finishes designed to give properties like crease resistance, abrasion resistance and permanent glaze.

- 8. Cutlery excepting safety razors and blades.
- 9. Fabrics made mainly or wholly from synthetic fibres.
- 10. Fishing nets and yarn.
- 11. Foodstuffs, tinned.
- 12. Foodstuffs, sundry.
- 13. Fountain pens over Rs. 25/- each.
- 14. Liquors, wines, spirits and all other alcoholic beverages.
- 15. Meat tinned.
- 16. Mechanical lighters and flints for lighters.
- 17. Milk (powdered and condensed).
- 18. Motor cycles.
- 19. Motor vehicles, cars and trucks.
- 20. Paper for printing and wrapping for cigarettes.
- 21. Radios and transistors.
- 22. Refrigerators.
- 23. Spices.
- 24. Tape recorders.
- 25. Time-pieces.
- 26. Toilet powder, lotion and perfumery.
- 27. Watches.
- 28. Gold, diamonds and manufactures of gold and diamonds.
- 29. Identifiable parts of the above-mentioned items which are banned for import into India.

S. RADHAKRISHNAN,
President.

R. C. S. SARKAR,
Secy. to the Govt. of India.

Notification

40/1 (1)/63-Cus.

In exercise of the powers conferred on me by Section 7 of the Goa, Daman and Diu Scheduled Goods (Movement Control) Regulation, 1963, I hereby direct that the following powers exercisable by me under that Regulation shall be exercisable also by the officers mentioned to the extent set out hereunder.

Serial No.	Designation of Officer	Section	Conditions, if any
1	Customs Adviser	Proviso to 3 & 5 (5) 5 (4)	— Against orders of the Director of Customs Services, Goa.
2	Director of Customs Services, Goa	Proviso to 3 5 (4)	In the temporary absence of the Customs Adviser. Against orders passed by the officers authorised under section 5 (3) (b)
3	Collector, Daman	Proviso to 3	Movement of motor vehicles out of Daman.
4	President, Motor Vehicles Technical Committee, Goa	Proviso to 3	Movement of trucks and passenger buses.

THE LIEUTENANT GOVERNOR

T. Sivasankar

Panjim, 26th February, 1963.

ORDER

40/1/63-Cus.

In exercise of the powers conferred on me by section 5 (3) (b) of the Goa, Daman and Diu Scheduled Goods (Movement Control) Regulation, 1963, I hereby authorise:

(1) Superintendents of Central Excise of the Collectorates of Central Excise, Bombay and

Baroda, currently employed in the enforcement of the Regulation, and Reverificador-Chefes of the Directorate of Customs Services, Goa, to adjudge confiscation of goods not exceeding one thousands rupees; and

(2) Directors of Custom Houses, Daman and Diu to adjudge confiscation of goods not exceeding two hundred and fifty rupees;

under that Regulation.

THE LIEUTENANT GOVERNOR

T. Sivasankar

Panjim, 26th February, 1963.

Notification

40/1(2)/63-Cus.

In exercise of the powers conferred on me under section 6 of the Goa, Daman and Diu Scheduled Goods (Movement Control) Regulation, 1963, I hereby make the following rules:

1. These rules may be called the Goa, Daman and Diu Scheduled Goods (Movement Control) Rules, 1963.

2. They come into force on the date of coming into force of the Regulation.

3. In these Rules:

(1) «Regulation» means the Goa, Daman and Diu Scheduled Goods (Movement Control) Regulation 1963.

(2) «Proper Officer» means

- (i) in the area adjoining the border of Goa and Daman an officer of the Collectorate of Central Excise, Bombay currently employed in the enforcement of the Regulation;
- (ii) in the area adjoining the border of Diu, an officer of the Collectorate of Central Excise, Baroda, currently employed in the enforcement of the Regulation; and
- (iii) in the Union Territory of Goa, Daman and Diu, any officer of the Technical Cadre and Fiscal Guards of the Directorate of Customs Services, Goa.

(3) «Scheduled goods» means the goods specified in the Schedule to the Regulation.

4. If the proper officer has reason to believe that any person

- (a) who has got out of, or is in, a vehicle in the vicinity of the borders of the Union Territory and
- (b) who is about to leave or has left the Union Territory or is in any such vicinity;

has secreted about his person any Scheduled Goods, he may search such person.

5. (1) When the proper officer is about to search any person under the provisions or rule 4, he shall, if such person so requires, take him, without unnecessary delay to the nearest Superintendent of Cen-

tral Excise employed in the enforcement of the Regulations, or to an officer not below the rank of Verificador of the Directorate of Customs Services, Goa.

(2) If such requisition is made, the proper officer may detain the person making it until he can bring him before the officer referred to in sub-rule (1) above.

(3) The officer before whom any such person is brought shall, if he sees no reasonable ground for search, forthwith discharge the person but otherwise shall direct that search be made.

(4) The search made under rule 4 shall be made in the presence of two or more witnesses. A list of all the things seized in the course of such search shall be prepared by the officer making it and signed by the witnesses.

(5) No female shall be searched by any one except a female.

6. (1) If a Superintendent of Central Excise, or a Director da Alfandega, has reason to believe that any scheduled goods liable to confiscation under the Regulation are secreted in any place in his jurisdiction, he may authorize any officer subordinate to him to search, or may himself search for such goods.

(2) The provisions of the Code of Criminal Procedure, 1898, relating to searches shall, *mutatis mutandis*, apply to searches under this rule.

7. Where the proper officer has reason to believe that any vehicle or animal which is proceeding out of the Union Territory or is in the vicinity of the border, is being, or is about to be, used in the removal of scheduled goods contrary to the provisions of the Regulation, he may at any time stop such vehicle or animal and

- (a) rummage and search any part of the vehicle;
- (b) examine and search any goods in the vehicle or on the animal;
- (c) break open the lock of any door or package for exercising the above powers if the keys are withheld.

8. If the proper officer has reason to believe that any goods are liable to confiscation under the Regulation he may seize such goods. When any scheduled goods found in a package covering or receptacle in which they are found, are liable to confiscation the package and any other goods found in that package may be seized.

9. The following fees shall be levied on memoranda of appeals under the Regulation:

- (a) Where the value of the goods involved is not more than Rs. 1,000 Rs. 5/-
- (b) Where it is more than Rs. 1,000 but not more than Rs. 5,000 ... Rs. 10/-
- (c) In all other cases Rs. 15/-

These fees shall be collected in cash, and shall be in addition to the stamp duty, if any, leviable on such memoranda.

THE LIEUTENANT GOVERNOR

T. Sivasankar

Panjim, 26th February, 1963.

ORDER

In exercise of the powers conferred by the Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962 the Lieutenant Governor hereby makes the following order:

«Portaria» no. 192 dated 12-9-1907 published in the Official Gazette no. 80 dated 8-10-1907 is repealed with immediate effect.

THE LIEUTENANT GOVERNOR
T. Sivasankar

Panjim, 14th February, 1963.

ORDER

10/9/62 — Cus.

In exercise of the powers vested in me under paragraph 2 of the Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962, and notwithstanding anything to the contrary contained in any law for the time being in force in these territories, I hereby make the following Order:

All goods, the importation or exportation of which is for the time being prohibited or restricted by any law or order for the time being in force in these Territories shall be deemed to be prohibited or restricted under Section II of the Customs Act, 1962; and all the provisions of that Act shall have effect accordingly.

THE LIEUTENANT GOVERNOR
T. Sivasankar

Panjim, 25th February, 1963.

Notification

70/5/62 — Cus.

In exercise of the powers conferred by Section 3 Clause 2 of the Goa, Daman and Diu (Laws) Regulation 1962, I hereby appoint the 1st of March, 1963, as the date on which the provisions of:

- (1) The Central Excises and Salt Act, 1944 (I of 1944)
- (2) The Additional Duties, of Excise (Goods of Special Importance) Act, 1957 (LVIII of 1957) and
- (3) The Mineral Oils (Additional Duties of Excise and Customs) Act, 1958 (XXVII of 1958).

shall come into force throughout the Union Territory of Goa, Daman and Diu.

THE LIEUTENANT GOVERNOR
T. Sivasankar

Panjim, 27th February, 1963.

(Tradução)

Portaria

No uso das faculdades conferidas pela «The Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962», o Governador-tenente manda:

É revogada, com efeito imediato, a Portaria n.º 192, de 12 de Setembro de 1907, publicada no *Boletim Oficial*, n.º 80, de 8 de Outubro do mesmo ano.

O GOVERNADOR-TENENTE
T. Sivasankar

Pangim, 14 de Fevereiro de 1963.

Portaria

10/9/62 — Cus.

No uso das faculdades que me são conferidas pelo n.º 2 de «The Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962», e sem embargo do disposto em qualquer lei presentemente em vigor neste território, determino o seguinte:

Todas as mercadorias, cuja importação ou exportação está actualmente proibida ou restrita, por qualquer lei, portaria ou despacho, presentemente em vigor nestes territórios, serão consideradas proibidas ou restritas ao abrigo do artigo 11.º do «Customs Act, 1962», sendo, consequentemente, aplicáveis todas as disposições da referida lei.

O GOVERNADOR-TENENTE
T. Sivasankar

Pangim, 25 de Fevereiro de 1963.

Portaria

70/5/62 — Cus.

No uso das faculdades conferidas pelo n.º 2 do artigo 3.º de «The Goa, Daman and Diu (Laws) Regulation 1962», designo o dia 1 de Março de 1963, como sendo a data em que as disposições das leis a seguir indicadas, entrarão em vigor em todo o território da União, de Goa, Damão e Diu:

- (1) The Central Excises and Salt Act, 1944 (I of 1944)
- (2) The Additional Duties, of Excise (Goods of Special Importance) Act, 1957 (LVIII of 1957) and
- (3) The Mineral Oils (Additional Duties of Excise and Customs) Act, 1958 (XXVII of 1958).

O GOVERNADOR-TENENTE
T. Sivasankar

Pangim, 27 de Fevereiro de 1963.